

1989 Assembly Bill 900

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1989 WISCONSIN ACT 264

AN ACT to renumber 120.12 (16); to amend 140.05 (16) (b), (c), (cm) and (d) 1; to repeal and recreate 140.05 (16) (d) 2; and to create 120.12 (16) (a) and 140.05 (16) (h) of the statutes, relating to: the immunization of children attending a school, day care center or nursery school.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 120.12 (16) of the statutes is renumbered 120.12 (16) (b).

SECTION 2. 120.12 (16) (a) of the statutes is created to read:

120.12 (16) (a) In cooperation with local public health agencies and officials specified in ss. 140.09, 141.01, 141.015, 141.02 and 141.04 develop and implement a plan to encourage compliance with par. (b) and s. 140.05 (16) (b) and submit the plan to the department of health and social services by September 1, 1991, and annually thereafter.

SECTION 3. 140.05 (16) (b), (c), (cm) and (d) 1. of the statutes are amended to read:

140.05 (16) (b) Any student admitted to any elementary, middle, junior or senior high school or into any day care center or nursery school shall, within 30 school days, present written evidence to the school, day care center or nursery school of having completed the first immunization for each vaccine required for the student's grade and being on schedule for the remainder of the basic and recall (booster) immunization series for the diseases identified in par. (a) or shall present a written waiver under par. (c). ~~The student shall present the written evidence or written waiver within 30 school days after being admitted to school.~~

(c) The immunization requirement is waived if the student, if an adult, or the student's parent, guardian or legal custodian submits a written statement to the school,

day care center or nursery school objecting to the immunization for reasons of health, religion or personal conviction. At the time any school, day care center or nursery school notifies a student, parent, guardian or legal custodian of the immunization requirements, ~~the school~~ it shall inform the person in writing of the person's right to a waiver under this paragraph.

(cm) The student, if an adult, or the student's parent, guardian or legal custodian shall keep the school, day care center or nursery school informed of the student's compliance with the immunization schedule. ~~Failure to comply with this requirement authorizes the school to notify the district attorney immediately to seek a court order under par. (d). If the student fails to complete the immunization series within one year after being admitted to the school under par. (b), the school shall notify the district attorney to seek a court order under par. (d).~~

(d) 1. By the 15th and the 25th school day after the student is admitted to a school, any day care center or nursery school, the school, day care center or nursery school shall notify in writing any adult student or the parent, guardian or legal custodian of any minor student who has not met the immunization or waiver requirements of this subsection. ~~The notification notices~~ shall cite the terms of those requirements specified in this subsection and shall state that court action and forfeiture penalty could result due to noncompliance. ~~Any~~ The notices shall also explain the reasons for the immunization requirements and include information on how and where to obtain the required immunizations.

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~~(dm) The school, day care center or nursery school~~ shall notify the district attorney of the county in which the student resides of any minor student who fails to present written evidence of completed immunizations or a written waiver under par. (c) within ~~30~~ 60 school days after being admitted to ~~the school, day care center or nursery school~~. The district attorney shall petition the court exercising jurisdiction under ch. 48 for an order directing that the student be in compliance with the requirements of this subsection. If the court grants the petition, the court may specify the date by which a written waiver shall be submitted under par. (c) or may specify the terms of the immunization schedule. The court may require an adult student or the parent, guardian or legal custodian of a minor student who refuses to submit a written waiver by the specified date or meet the terms of the immunization schedule to forfeit not more than \$25 per day of violation.

SECTION 4. 140.05 (16) (d) 2. of the statutes is repealed and recreated to read:

140.05 **(16)** (d) 2. a. A school, day care center or nursery school may exclude from the school, day care center or nursery school any student who fails to satisfy the requirements of par. (b).

b. Beginning July 1, 1993, if the department determines that fewer than 98% of the students in a day care center, nursery school or school district who are subject to the requirements of par. (b) have complied with par. (b), the day care center or nursery school shall exclude

any child who fails to satisfy the requirements of par. (b) and the school district shall exclude any student enrolled in grades kindergarten to 6 who fails to satisfy the requirements of par. (b).

c. Beginning July 1, 1995, if the department determines that fewer than 99% of the students in a day care center, nursery school or school district who are subject to the requirements of par. (b) have complied with par. (b), the day care center or nursery school shall exclude any child who fails to satisfy the requirements of par. (b) and the school district shall exclude any student enrolled in grades kindergarten to 6 who fails to satisfy the requirements of par. (b).

d. No student may be excluded from public school under this subdivision for more than 10 consecutive school days unless, prior to the 11th consecutive school day of exclusion, the school board provides the student and the student's parent, guardian or legal custodian with an additional notice, a hearing and the opportunity to appeal the exclusion, as provided under s. 120.13 (1) (c).

SECTION 5. 140.05 (16) (h) of the statutes is created to read:

140.05 **(16)** (h) Annually, by July 1, 1991, 1992, 1993 and 1994, the department shall submit a report to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), on the success of the statewide immunization program under this subsection.